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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,848	09/24/2003	Norman Goris	N. GORIS 5-5	4434
47396	7590	05/08/2006	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			HOLLIDAY, JAIME MICHELE	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,848	<b>Applicant(s)</b> GORIS ET AL.	
	<b>Examiner</b> Jaime M. Holliday	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

***Response to Arguments***

1. Applicant's arguments, with regards to **claims 1, 2, 4-8, 11, 12, 14-18 and 21**, filed February 13, 2006 have been fully considered but they are not persuasive.

In the present application, Applicants basically argue, on pages 7-9 of the remarks, that, Ogasawara does not disclose coded data decoded in a mobile phone, since "the decoding of the coded information appears to solely take place within the seller's server," and the Applicants respectfully note that a purchase transaction program is downloaded from a server, "without describing what all may be included in such program."

The Examiner respectfully disagrees with Applicant's arguments, because Ogasawara discloses that "a purchase transaction program, which is downloaded from the server into the wireless telephone, may be tailored to include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "coded data is decoded in said mobile telephone," (column 12 lines 25-26, column 18 lines 17-19). The tailored program clearly includes "bar code decode."

In the present application, Applicants basically argue, on pages 9-11 of the remarks, that, Ogasawara does not disclose coded data decoded in a mobile phone, and therefore, references Lev et al., Rehbein et al., and Swartz et al., "do not overcome the shortcoming of Ogasawara with respect to claims 1 and 11."

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The Examiner respectfully disagrees with Applicant's argument, since, as previously stated, Ogasawara does teach a purchase transaction program, which is downloaded from the server into the wireless telephone, may be tailored to include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "coded data is decoded in said mobile telephone," (column 12 lines 25-26, column 18 lines 17-19). The tailored program clearly includes "bar code decode."

Therefore, in view of the above reasons, Examiner maintains rejections.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1, 2, 4-8, 11, 12, 14-18 and 21** are rejected under 35 U.S.C. 102(a) as being anticipated by **Ogasawara (U.S. Patent # 6,512,919 B2)**.

Consider **claim 1**, Ogasawara clearly shows and discloses an electronic shopping system facilitates purchase transactions via a wireless videophone, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract), comprising:

wireless videophone **218** provided with a digital camera **236** used to scan the images of bar codes of purchased items, wherein a purchase transaction program, which is downloaded from the server into the wireless telephone, that may be tailored to include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "a camera, associated with said mobile telephone, that records an image of coded data associated with said article, said coded data is decoded in said mobile telephone," (figure 14, column 3 lines 13-14, column 12 lines 25-26, column 18 lines 15-19); and

remote server **26**, which receives bar code data from the customer's wireless telephone **18**, searches a database and obtains a description and price for the item scanned, then the item description and price is then transmitted to the customer's wireless telephone, reading on the claimed "database, remote from said mobile telephone, that supplies information about said article to said mobile telephone based on a received, decoded form of said coded data derived from said image," (column 6 lines 46-51).

Consider **claim 2**, and **as applied to claim 1 above**, Ogasawara further discloses a commercial telephone network **14** that facilitates connection of a store server **10** to a wireless telephone via a cellular telephone network **17**, to which the conventional telephone network is in communication, typically via a wire connection **16**. Alternatively, the remote server, reading on the claimed "database," communicates with the

wired telephone network, via a wire connection **28**. The wire connection may alternatively comprise fiber optic, radio, or other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 5**, and **as applied to claim 1 above**, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 6**, and **as applied to claim 1 above**, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 7**, and **as applied to claim 1 above**, Ogasawara further discloses that item description and price is transmitted, from the server, to the customer's wireless telephone and is preferably displayed upon the display **42** thereof, reading on the claimed "mobile telephone provides said information to a user visually," (column 6 lines 49-51).

Consider **claim 8**, and **as applied to claim 1 above**, Ogasawara further discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, reading on the claimed "information comprises price information," (column 6 lines 45-50).

Consider **claim 11**, Ogasawara clearly shows and discloses a method for performing purchase transactions via a wireless videophone, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract), comprising:

scanning, with a wireless videophone provided with a digital camera, images of bar codes of purchased items, reading on the claimed "recording, with a camera associated with said mobile telephone, an image of coded data associated with said article," (figure 14, column 3 lines 13-14, column 18 lines 15-16);

downloading a purchase transaction program from a server into the wireless telephone which may be tailored to include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "decoding said coded data in said mobile telephone," (column 12 lines 25-26, column 18 lines 17-19); and

transmitting, from a remote server, which receives bar code data from the customer's wireless telephone then searches a database and obtains a description and price for the item scanned, the item description

and price to the customer's wireless telephone, reading on the claimed "supplying, from a database remote from said mobile telephone, information about said article to said mobile telephone based on a received, decoded form of said coded data derived from said image," (column 6 lines 46-51).

Consider **claim 12**, and **as applied to claim 11 above**, Ogasawara further discloses a commercial telephone network that facilitates connection of a store server to a wireless telephone via a cellular telephone network, to which the conventional telephone network is in communication, typically via a wire connection. Alternatively, the remote server, reading on the claimed "database," communicates with the wired telephone network, via a wire connection. The wire connection may alternatively comprise fiber optic, radio, or other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 15**, and **as applied to claim 11 above**, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).



Consider **claim 16**, and **as applied to claim 11 above**, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 17**, and **as applied to claim 11 above**, Ogasawara further discloses that item description and price is transmitted, from the server, to the customer's wireless telephone and is preferably displayed upon the display thereof, reading on the claimed "providing, with said mobile telephone, said information to a user visually," (column 6 lines 49-51).

Consider **claim 18**, and **as applied to claim 11 above**, Ogasawara further discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, reading on the claimed "information comprises price information," (column 6 lines 45-50).

Consider **claim 21**, Ogasawara clearly shows and discloses a videophone, reading on the claimed "mobile telephone," (column 18 line 15), comprising:

a digital camera, reading on the claimed "camera," (column 18 line 16);

a tailored purchase transaction program that might include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "software that receives an image associated with an article from said camera, decodes coded data contained in said image and queues said data for transmission to a database remote from said mobile telephone," (column 18 lines 17-19); and

a display wherein the item description and price transmitted from a remote server to a customer's wireless telephone is displayed, reading on the claimed "display that receives and displays information about said article from said database," (column 6 lines 46-52).

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 3 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 3**, and as **applied to claim 2 above**, Ogasawara clearly shows and discloses the claimed invention except that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices **207** for a user equipped with a portable wireless imaging device to obtain information related to the imaged objects **202**, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract, figure 1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server **205**, reading on the claimed "database." The remote server could be far apart or a few meters away from the imaging device and connected to it by a WLAN such as Bluetooth, reading on the claimed "direct radio link conforms to a standard selected from the group consisting of: Bluetooth, WLAN and HomeRF/SWAP," (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the system of Ogasawara, in order to provide optimal communication between the wireless videophone and remote server.

Consider **claim 13**, and as **applied to claim 12 above**, Ogasawara clearly shows and discloses the claimed invention except that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices for a user

equipped with a portable wireless imaging device to obtain information related to the imaged objects, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract, figure 1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server, reading on the claimed "database." The remote server could be far apart or a few meters away from the imaging device and connected to it by a WLAN such as Bluetooth, reading on the claimed "direct radio link conforms to a standard selected from the group consisting of: Bluetooth, WLAN, and HomeRF/SWAP," (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the method of Ogasawara, in order to provide optimal communication between the wireless videophone and remote server.

5. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Rehbein et al. (Pub # US 2005/0017453 A1)**.

Consider **claim 9**, and as **applied to claim 8 above**, Ogasawara clearly shows and discloses the claimed invention except the price is transmitted in at least two currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone **168**, reading on the claimed "mobile telephone," (abstract, paragraph 0003 and paragraph 0011). The electronic device may be adapted to allow a second party to enter a monetary amount **202**, reading on the claimed "price information," into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount **203** into an amount corresponding to a first party currency, reading on the claimed "database contains said price information in at least two different currencies," (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbein et al. as another use for the system of Ogasawara of the item description and price retrieved from the remote server.

Consider **claim 19**, and as **applied to claim 18 above**, Ogasawara clearly shows and discloses the claimed invention except the price is transmitted in at least two currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone, reading on the claimed "mobile telephone," (abstract, paragraph 0003 and paragraph 0011). The electronic device (mobile telephone) may be adapted to allow a second party to enter a monetary amount, reading on the claimed "price information," into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount into an amount corresponding to a first party currency, reading on the claimed "database contains said price information in at least two different currencies," (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbein et al. as another use for the method of Ogasawara of the item description and price retrieved from the remote server.

6. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Swartz**

**et al. (Pub # US 2005/0040230), and in further view of Lev et al. (Pub # US 2002/0102966 A1).**

Consider **claim 10**, and as **applied to claim 1 above**, Ogasawara clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display **72** used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "memory in said mobile telephone stores data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et

al. in the system of Ogasawara in order to provide better service to the consumer.

The combination of Ogasawara and Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the system of Ogasawara, as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

Consider **claim 20**, and as **applied to claim 11 above**, Ogasawara clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display used to present data by retrieving associated data files stored at remote



addresses by employing a wireless communication network, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "storing, in a memory in said mobile telephone, data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et al. in the system of Ogasawara in order to provide better service to the consumer.

The combination of Ogasawara and Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the method of Ogasawara, as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

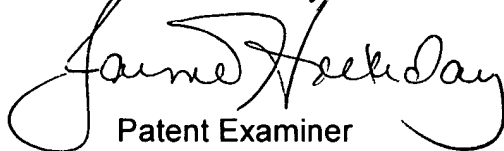
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jaime Holliday

  
Patent ExaminerNICK CORSARO  
PRIMARY EXAMINER